

210878

Middle Creek National Battlefield Foundation, Inc.
Post Office Box 326
Prestonsburg, Kentucky 41653-0326



May 12, 2004

Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423

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Office of Proceedings

MAY 12 2004

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Public Record

RE: STB Docket No. AB-55-627X (CSX Transportation, Inc. ("CSXT")-Abandonment
Exemption-in Floyd County, Kentucky

Dear Mr. Williams:

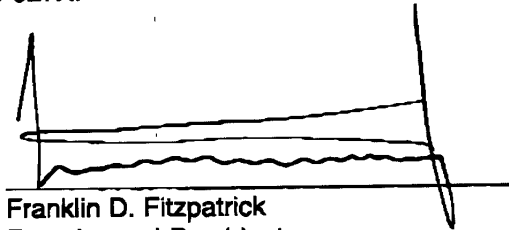
Please find enclosed an amended "Statement of Willingness To Assume
Financial Responsibility" for the above referenced abandonment.

Very truly yours,

Franklin D. Fitzpatrick
Founder and President

Statement of Willingness To Assume Financial Responsibility

In order to establish interim trail use and rail banking under 16 U.S.C. 1247(d) and 49 CFR 1152.29, Middle Creek National Battlefield Foundation, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by CSX Transportation, Inc. and operated by CSX Transportation, Inc. The property, known as Left Beaver CSX rail line, extends from railroad milepost 3.1 near Salisbury, KY, to railroad milepost 16.5, near Clear Creek Junction, KY, a distance of 13.4 miles in Floyd County, Kentucky. The right-of-way is part of a line of railroad proposed for abandonment in Docket No. STB AB-55-627X.

A handwritten signature in black ink, appearing to read 'Franklin D. Fitzpatrick', is written over a horizontal line. The signature is stylized with a large 'F' and a long horizontal stroke.

Franklin D. Fitzpatrick
Founder and President
Middle Creek National Battlefield
Foundation, Inc.

**MIDDLE CREEK NATIONAL
BATTLEFIELD FOUNDATION, INC.**

**POST OFFICE BOX 326
PRESTONSBURG, KENTUCKY 41653**



DATE: May 12, 2004

SUBJECT: STB Docket No. AB-55-627X
(CSX Transportation, Inc.)

TO: Vernon A. Williams, Secretary
Surface Transportation Board

PHONE NUMBER: (202) 565-1650

FAX NUMBER: (202) 565-9004

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FROM: FRANKLIN D. FITZPATRICK

PHONE NUMBER: 606.886.1312

FAX NUMBER: 606.886.1388

NUMBER OF PAGES INCLUDING COVER PAGE: 3

MESSAGE: Amended "Statement of Willingness To
Assume Financial Responsibility" follows.

CONFIDENTIALITY NOTICE

The information contained in this fax message, and in any accompanying documents, constitutes confidential information which belongs to Franklin D. Fitzpatrick. This information is intended only for use of the individual or entity named above. If you are not the intended recipient of this information, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance on this information, is strictly prohibited. If you have this fax message in error, please contact us immediately at the phone number above to arrange for its return or destruction. Thank you.

"PRESERVING KENTUCKY'S CIVIL WAR HERITAGE"

a 501 (C) (3) nonprofit entity preserving and interpreting the 1862 Battle of Middle Creek